

## REMARKS

All of the currently pending claims stand rejected under 35 USC 103. Applicants respectfully traverse these rejections and request reconsideration for the reasons set out below.

Claim 1 stands rejected over the combination of three previously cited references, *Rostocker*, *Christian*, and *Lee*, together with the newly cited reference *Chen*.

As Applicants have previously pointed out, the publication date of *Christian* is later than Applicants' effective filing date. Therefore, it is respectfully requested that *Christian* be withdrawn as an improper reference under 35 USC 103.

Before the last office action was mailed, Applicants had amended claim 1 to further recite that time diversity is applied to the header but not the video payload of a transmitted uplink radio burst.

In the last office action (to which the present response is directed), the Examiner cited the new reference *Chen* as disclosing the application of time diversity to the header but not to the video payload. However, *Chen* makes it clear that only the physical layer header, containing the coding scheme specification, is duplicated within the frame format. This can be seen, for example, at *Chen*, column 4, lines 36-38 and 49-61.

On the other hand, *Chen* places the the MAC/RLC header information within the payload to which the physical header is appended. In this regard, see *Chen*, column 5, lines 16-35, and FIG. 3. Thus, *Chen* teaches that MAC/RLC information should be treated differently from physical layer header information. Whereas the physical layer header may be duplicated, the MAC/RLC header is treated in that regard as payload information and is not duplicated.

The present invention as described by claim 1 is distinctly different. As will be seen from the present Specification at page 3, line 22, to page 6, line 4, it is precisely the RLC/MAC header that is meant to be subjected to time diversity. Claims 1 and 8 have been amended to more particularly point out this feature.

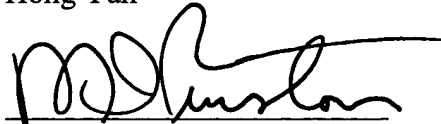
It is respectfully submitted that *Chen* neither teaches nor suggests the application of time diversity to the RLC/MAC header. For the reasons set forth above, it is further submitted that *Chen* in fact teaches away from such a feature. Accordingly, it is

respectfully submitted that claim 1 with its dependent claims 4,6, and 7 is patentable over the cited references under the standard of 35 USC 103. For substantially the same reasons, it is further submitted that claim 8 with its dependent claim 9 is similarly patentable.

Accordingly, reconsideration leading to allowance of all claims now pending in the application is respectfully solicited.

Respectfully submitted,  
Faruk Mehmet Eryurtlu  
Jian Jun Wu  
Ran-Hong Yan

By:



Martin I. Finston, Attorney  
Registration No. 31,613  
Lucent Technologies Inc.

Date:

May 1, 2006